

Remarks

First, and most important, it should be noted that Lopez et al. (046) utilizes the “Shiatsu” acupressure points and meridian that are being structured differently from the standard one for a purpose of massage practice and do not provide any means of healing or cure, see FIG. 1, FIG. 2, Abstract and lines 53-56 of column 11 of Lopez et al. (046), while present invention utilizes a balance concept using the standard meridian system, that has been structured and used for acupuncture practice of healing and cure for thousands years, see lines 26-27 of page 2 and lines 1-19 of page 3 of present invention, and that the use of a plurality of treating regions, magnet sizes, clothing of band/wrapper and total flux were initially disclosed by FIG.1 and FIG. 3 of Woo (569) of 1996 (A continuation of Appl.#93,964, 9/8/1987) and FIG 6 and FIG 10 of Woo (295B1 of 2002) (Continuation in-part of application 08/939,429 of 1997), which is 11 years before the time of Lopez et al. (046) of 1998. Hence, there was no reason to imitate or necessitate of modifying or adapting the process of Lopez et al. ((046) for the sake of present invention. Therefore, Examiner’s contention on the obviousness in the use of a plurality of treating regions, articles of clothing with permanent magnets and magnet sizes by comparing Lopez et al. (046) is deemed to be inappropriate.

Regarding item 3, line 8 of page 3, with regard to claim 21 it is unclear how the limitation of “applying magnets to the treating region” can be done “concurrently”, since concurrent application could only be done to at least two regions of the trunk of a person.

In response, when a partial treatment mode is applied to a region, multiple magnets of smaller size are applied to parts of a region concurrently using an equal total flux and equal treatment time, See FIG.5 and lines 27-31 of page 10 and lines 1-23 of page 11. Thus, concurrent treatment can be done either way by a region or regions together as long as a balanced treatment is achieved for all meridians involved.

Regarding Item 7 concerning application of magnetism to a plurality of treating regions of the trunk, hands, head and neck of Lopez et al by the method of Woo:

In response, the treating regions of present invention are specifically designated on the trunk of the body based on a balance concept using the standard meridian system of the body to

facilitate a balanced treatment for all meridians involved under the principles of Oriental Medicine that chronic type ailments are treated only by adjusting meridians into a balance and harmony, unless, otherwise such ailments are not curable. Whereas Lopez et al. uses the “Shiatsu” acupressure points of the body parts for effecting therapeutic magnetic exposure by wearing magnetic clothing of T-shirt, brief, pant and glove, etc., which are not based on the balance concept and the standard meridian system, and the phrase “effecting therapeutical magnetic exposure” is very vague itself with no medical claims in terms of treatment purpose and effectiveness, see abstract, FIG.1-24 of Lopez et al. (046). In view of the foregoing, the true meaning of a plurality of treating regions in the magnet application between Lopez et al. and present invention is completely different in concept and primary objective in application. Lopez et al. considers that whole body parts of “Shiatsu” acupressure points for humanwear are treating regions to be used for effecting therapeutical magnetic exposure, whereas present invention regards that treating regions are specifically designated areas in the body trunk based on balance concept and the structure of the standard meridian to achieve a balanced treatment of meridians with a holistic total healing effect for the entire body concurrently. Based on the Oriental Medicine and the observation of prior art, it is applicant’s belief that the magnetic therapeutic method is subject to a particular condition that the treating regions need to meet specific requirements or condition to effect restoration of the energy balance and harmony of the dual meridians, in order to produce a total healing effect of whole body concurrently. The requirements or condition are as follows:

1) Treating region is designated in such way to bring all systems of meridians into a balance and harmony using the structure of the standard meridian system of acupuncture.

Note that this is impossible under the method of acupressure points and technique. ¶

2) Attach/contact magnets directly to the body skin of the treating region is “must” and “mandatory.” So magnetic clothing such as T-shirt, brief, pants, gloves, loose band etc., can’t be used under the present invention due to ineffectiveness and the imbalanced treatment impact causing a side effect.

3) The magnet is contacted evenly, spaced apart at an equal distance, in horizontal order all the way around the region, with an equal total flux and equal treatment time, for a balanced treatment.

4) The magnet is retained in contact with body skin of the trunk for a period of 15 minutes–3 hours until body becomes relaxed and all pains and symptoms of ailment are mitigated or relieved.

5) Any area/part of the designated treating regions of the body trunk produces a total healing effects relieving all pains of whole body concurrently in 15 minutes to 3 hours, regardless of cause, location and ill-history, by applying a magnet/magnets in accordance with present invention.

6) Total flux in a range of 30ϕ – $250,000\phi$ comprising a variety of sizes and gaussses of magnets is used as a basic guideline of power level of effectiveness.

7) Total flux of less than $5,000\phi$ is effective for sedative pain management and control, and over $5,000\phi$ is good for healing and cure effectiveness.

8) The North Pole of pain healing energy is used only

9) The South Pole of pain stimulating energy is not used on pain and inflammation under any circumstance because of creating more pain and worsening.

Whereas, the condition of the treating body part of humanwear regions of Lopez et al. (046) is disclosed as follows:

1) Treating regions are not specifically designated, instead, using the body parts of humanwear as treating regions, which do not produce total healing effect of pain relief for whole body concurrently in 15 minutes to 3 hours.

2) “Shiatsu” acupressure points of massage are utilized and its meridians are completely different from the standard meridian system of acupuncture, i.e., meridians shown, as ML1-10 of FIG.1 and FIG.2, are completely different from the standard meridian system of acupuncture.

3) Acupressure points of massage used provides no means of adjusting the meridian system into a balance and harmony.

4) Magnetic clothing of T-shirt, brief, pants, gloves, etc., is used for effecting therapeutical magnetic exposure against acupressure points, but no specific effectiveness claimed or disclosed.

5) Contact magnets to the clothing of humanwear, instead of body skin, which is a magnetic field therapy –intended to be investigational and no medical claim.

6) Use only magnet of 800 gauss with 0.03” to 2.0” in diameter and 0.05” to 0.5” in thickness that is about 30ϕ – 500ϕ in total flux, which would be within the range of sedative management effect.

7) No magnetic exposure time control for treatment of wearing magnetic clothing.

8) Use both north and south pole based on orientation of magnetic attraction from north to south, see Fig 3-24 P1 (south) & P2 (north) – South Pole is a pain stimulating energy that should not be used on pain and inflammation under any circumstance.

As indicated above, Lopez et al. (046) does not meet any of the requirements or condition to satisfy the treating regions of the body trunk of the present invention, and thus by using acupuncture points of the body parts, especially with the magnetic clothing teaches or suggests no specific means of effecting a balanced treatment for all meridians and the treatment effect of total pain relief of whole body concurrently in 15 minutes to 3 hours. Further more, Lopez et al. states that the method of using the magnetic clothing is for effecting therapeutical magnetic exposure, but never states anything good in terms of effectiveness and safety. Thereby, the body parts regions of humanwear of Lopez et al. should not be construed as an appropriate treating regions in any aspect as the present invention. In addition, Lopez et al. (046) admittedly discloses a statement as a recognition that the merchandise invented is intended to be considered “investigation” and “no medical claims” are intended by the above suggested therapeutic use on the human body, see abstract and lines 53-56 of column 11.

The concept of the energy balance of the human body, an Oriental medicine, plays very important roll in practice of the magnetic therapy, especially in dealing with pains of chronic ailments that are associated with meridian's energy imbalance and metabolic disorder. Thus, magnetism should be applied in such way that the balance and the order of the energy flow can be restored, otherwise, causing disorder and imbalance of the energy flow resulting worsening of the ill-condition including some form of side effect such as palpitation (tachycardia), short breath, ear-ringing, cramp, which are typical type of side effect often occurred from a imbalanced treatment impact of meridian, especially in case of magnetic glove affecting lung and heart meridians, moreover, wounds and cuts are not healed by the indirect non-contact exposure of magnetic field therapy of Lopez et al., but with the direct contact magnetic therapy of the present invention heals wounds and cuts with pain relief extremely well in 1-3 hours that is verifiable at site instantly without exception.

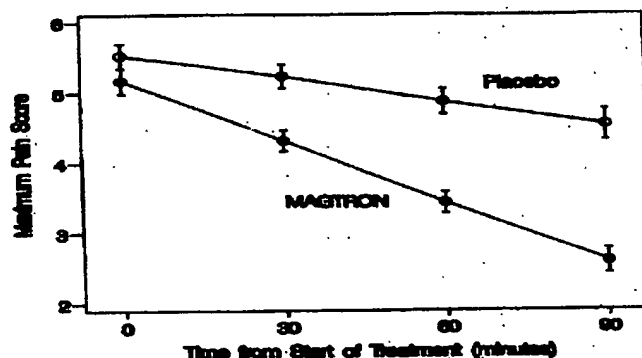
Thus, the shortcoming of the conventional method of the magnet field therapy is the profound impact by imbalanced treatment by applying magnets on pain spot or ailment

repeatedly for many days without any regard to the energy balance concept and exposure time control based on a healing power of total flux and the body's balance point. That is the major reason why magnet device has a short life cycle in marketing with a mixed opinion of negative response from consumers on effectiveness, and therefore, there is no "domino" effect of market expansion. Publics and consumers should be aware of the importance of balance concept for a benefit of public health.

However, the method of the invention using designated treating regions based on a balanced treatment using the standard meridian, which enables to bring the system into a balance and harmony of the entire body, relieves thus all pains and afflictions of whole body totally, holistically and concurrently.

This is a revolutionary finding ever achieved in the history of the Oriental Medicine for more than three thousand years. Most "hard to cure" type of chronic ailments are mainly associated with energy imbalance and disorder of the dual meridian systems of the body, and without restoring its balance and harmony, curing such ailments in chronic nature is virtually impossible, not even by acupuncture technique, but, now with the present invention such afflictions of chronic ailments are easily healed and relieved mystically well.

To support such effectiveness and safety of the method, a scientific study of the "Blind Placebo Test," approved by the Institutional Review Board (QUORUM Review, Seattle, Washington. QR File 4081) in accordance with FDA regulation, has been completed in satisfaction - the result shows a 100% success in pain mitigation and relief and no complication or adverse events were reported. Thus, the statistical scientific data recognized for its effectiveness and safety is now available for the claims of the invention of the holistic total healing method (head and neck version named as MAGTRON) and the statistical analysis of the result is shown in the Graphic below.



Regarding Item 7 concerning "Using articles of clothing with permanent magnet of Lopez et al. (046)":

In response, the use of clothing with permanent magnet was disclosed 11 years before the time of Lopez et al of 1998 by FIG. 1 and FIG. 3 of Woo (569) of 1996 (A continuation of Appl.#93,964, 9/8/1987) and FIG 6 and FIG 10 of Woo (295B1) of 2002 (Continuation in-part of application 08/939,429 of 1997). Therefore, there was no need to adapt the process of Lopez et al for the sake of present invention.

Regarding Item 7 concerning "Modify the Magnets of Lopez et al. (046) to use magnets having a size of 1/8" x 1/8" to 4" x 18" to 13"x43"":

In response, the above contention is believed to be inappropriate: The use of total flux for the holistic magnetic therapy was initially disclosed in a Equation Formula of " $\phi = A \times Br$ " in 1987 by Woo (569) and 1997 by Woo (08/939,429), which is 11 years earlier than the time of Lopez et al. (046) of 1998. In fact, the total flux itself comprises a variety of sizes and flux density of all magnets commonly used in this field of art, and the range of total flux disclosed thereof by Woo covers just about everything in size and gauss of any magnet, and as a matter of fact, it covers virtually all practical sizes of magnets used in this art and the like size of the magnet of Lopez et al. (046) is also inclusive.

So, the magnet size disclosed in present invention is for a protective measure in addition to the use of total flux. Therefore, there was no reason to modify or adapt the magnets of Lopez et al. ((046) for the sake of present invention. Further more, the present invention is a continuation-in-part of Application 08/939,429 of 1997, that is based on 1987 of Woo (569) (A continuation of Appl.#93,964, 9/8/1987), thereafter consistently using same title of "Treatment of Ailments, Afflictions and Diseases, see Background of the Invention on lines 1-8 of page 2 of present invention, and moreover, the magnets used by Lopez et al. are limited to 800 gauss disk shape only whereas present invention utilizes any kind magnet with any gauss in all shapes and sizes under the terms of "total flux" ranging 30ϕ - $250,000\phi$ producing a healing and sedative effect. See lines 4-10 of page 4 and lines 13-26 of page 12 of present invention.

In view of the foregoing, the magnet of 800 gauss by 0.03" x 2.0" in diameter and 0.25" x 0.5" in thickness, typically in disk shape, disclosed by Lopez et al. (046) is about 10ϕ - 500ϕ in total flux, thus it is believed to be inclusive within the scope of Woo (569) of 1987 and Woo (429) of 1997.

Total flux is changed by either factor of flux density and size of magnet but flux density of “gauss” does not change by size factors of a magnet at all. So, no matter how big size of a magnet is used, the “gauss” remains same always, accordingly, “gauss” cannot be used as a standard for a power level of effectiveness in magnetic therapy, and thereby the term of “total flux” comprising a variety of sizes and gaussses has been adapted as a standard of power level for treatment in a series of my invention.

The change of magnet size of length and width alone would have little or no impact in terms of total flux because it still produces same level of total flux by increasing or decreasing flux density and thickness of size. Since total flux is determined by flux density and size volume (width x length x thickness) of a magnet, it is changed downward or upward by either factor. Please note that the size change made is in width and length only but not in thickness, the total flux still can be maintained at same level or higher by increasing flux density and thickness. This is one of the flexible beneficial points of using total flux instead of flux density of gauss. Therefore, with a decrease in size do not necessarily decrease its total flux; on the contrary it can even be increased by using higher-grade material with higher flux density and thicker size under the Equation Formula shown below. Thus, it all falls within the specified range of total flux providing appropriate flux density selected for a particular size needed, for an example, a magnet with 12000 gauss in size of 0.5"x 0.5" in 0.5" thickness provides more than 1000 ϕ total flux, whereas a magnet with 300 gauss in same size is only 32 ϕ total flux, and a magnet with 800 gauss of Lopez et al. in same size is about 100 ϕ total flux.

This is a basic, common knowledge well known to all skilled in the relevant art.

Therefore it is imperative to understand the relationship of the "Equation Formula" of the total flux versus size and flux density so that appropriate size with appropriate total flux is used for selected mode of application such as single region or multiple regions based on ailment and treatment purpose.

$$\phi = A \times B$$

Total flux ϕ = size (A) x flux density (B)

Introduced below shows a variety of total flux calculated using same flux density of 300 gauss:

MAGNET TOTAL FLUX BY SIZE & MATERIAL -CGS UNIT

(@ X=.001")

MAGNET (300Br)

Width Length Height/Thickness)

		0.25"	0.5"	1"	2"	3"	4"	5"	6"
0.25"	0.25"	8	9	9	9	9	9	9	9
0.5"	0.5"	24	32	36	37	37	37	37	37
1"	1"	61	99	130	144	147	148	148	148
2"	2"	131	245	399	522	561	577	584	589
5"	5"	336	664	1268	2183	2741	3069	3268	3394
6"	6"	404	801	1550	2770	3599	4132	4477	4706

Small size such as 1/8" x 1/8" is an ideal size for a partial treatment of a region or multiple regions concurrently, which is more lighter and convenient in use enabling more coverage of treating area for magnetic exposure at same time.

As explained above, although size is same, total flux varies depending on flux density (gauss) of the magnet. Therefore, in the body trunk therapy, what matters most is to decide what total flux level needed and what size is appropriate based on application mode selected. For example, if it's for a single magnet treatment by a region at a time then choose high total flux with a big size, and if it's for a partial treatment of multiple regions then smaller size with high total flux is appropriate, in this case magnets with higher flux density (gauss) are needed.

Thus, based on the observation above, the contention made by examiner on "modify the magnets of Lopez et al. (046) to use magnets having a size of 1/8" x 1/8" to 4" x 18" to 13"x43" is believed to be incorrect and inappropriate.

With regard to Item 10 of page 9 concerning "claims 17 and 19 will be objected as being a substantial duplicate thereof":

In response, claims 17 and 19 are uniquely different in its meaning from claims 16 and 18 although it may sound so close to each other. Each area of the plurality of treating regions and each one of the plurality of treating regions are not same in this aspect – a magnet or magnets are applied partially to an area/a portion of each region of the plurality of treating regions; and a magnet is applied to the entire space/portion of each region of the plurality of treating regions.

Therefore, a definition of an area of a region and a region itself as a whole differs depending on a treatment mode selected. Thus, claims 17 and 19 are respectfully requested to be included for allowance.

With regard to double patenting rejection as being unpatentable over claims 1-24 of U.S. Patent No. 6,379,295 B1 and copending application of 09/722,239:

In response, the conflicting patent and application are owned with this application by applicant, Gilson Woo, and thereby Terminal Disclaimer to obviate a double patenting rejection over a prior patent, PTO/SB/26, signed by the applicant is filed in compliance with 37 CFR 1.321(c), along with submission of this Action Reply.

Claims 1-31 remain and claim 32 added in this application. Claims 2, 4, 6, 13, 16 and 18 have been corrected. Claim 1, 5-15, 20-22, 28 and 31 has been amended. Claim 32 has been added.

In view of the above, it is believed that all claims meet the statutory requirements of usefulness, novelty and unobviousness for the reasons set forth hereon and in the present invention, and that claims 1-31 and newly added claim 32 are allowable and it is requested that the case be passed to issue with these claims therein. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned applicant at the Los Angeles, California, telephone number (909) 444-1126, to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

October 24, 2002


Gilson Woo
Applicant

VERSION WITH MARKINGS TO SHOW CHAMNGES MADE

IN THE SPECIFICATION:

Paragraph beginning at line 13 of page 9 has been amended as follows:

A particular area of the trunk where the meridians are disposed is being designated for holistic therapeutical effect and its size is about (559) 1204 square inches, (43) 28 inches long and (13) 43 inches wide reflecting an entire area of the trunk of the body of a person, as shown in Figure 1 and 2.

Paragraph beginning at line 15 of page 9 has been amended as follows:

The designated area of the trunk covers all the way around its trunk in about (13") 43" wide, and many meridians are being disposed in the area of the body trunk.

Please replace the paragraph beginning at line 23 of page 12 has been amended as follows:

Practically, any size appropriate for the trunk is usable, however, the range of the magnet size preferred for this trunk method is from 1/8" x 1/8" to (13") 28" x 43".

Please replace the paragraph beginning at line 14 of page 17 has been amended as follows:

The size of the magnet may typically be 1/8" x 1/8" to (13") 28" x 43".

Please replace the paragraph beginning at line 3 of page 24, ABSTRACT OF THE DISCLOSURE, has been amended as follows:

A north pole surface of a magnet is applied to a portion of the trunk, about (559) 1204 square inches, of a person being treated, and is maintained in contact for a time period or periods in accordance with total flux applied for the afflictions or ailments being treated.

IN THE CLAIMS:

Claim 2 has been corrected as follows:

2. (Corrected) The method of claim (I) 1, further including the step of repeating the application of the magnet for at least one additional period of time.

Claim 4 has been corrected as follows:

4. (Corrected) The method of claim (I) 1, further including:
applying the magnet means to each region of the plurality of treating regions representing chest part, upper abdominal part and lower abdominal part of the trunk.

Claim 6 has been corrected as follows:

6. (Corrected) The method of claim (I) 1, wherein applying the magnet first to one selected area of the treating regions of the trunk of the person and wherein applying the magnet then to the other selected area of the treating regions.

Claim 13 has been corrected as follows:

13. (Corrected) The method of claim (I) 1, wherein applying the magnets partially to at least one region of the treating regions of the trunk and all treating regions of the neck and head concurrently.

Claim 16 has been corrected as follows:

16. (Corrected) The method of claim (I) 1, wherein the total flux of the magnet applied to each one of the plurality of treating regions of the trunk of the person is substantially equal.

Claim 4 has been corrected as follows:

18. (Corrected) The method of claim (I) 1, wherein the total flux of the magnet applied to each one of the plurality of treating regions of the trunk, neck and head of the person is substantially equal.

Claim 1, line 7, 8 and 9 has been amended as follows:

1. (Amended) (designating a total treating region to the trunk having a size of about 559 square inches, about 13"x 43", covering all areas around the trunk in 13" wide and 43" long, said treating region being divided into at least 3 subregions, according to shape of the trunk;)

designating at least three treating regions of the trunk having a total size of about 1204 square inches, covering about 28"x 43" of a trunk region all the way around trunk, said treating region being divided into at least 3 subregions, according to shape of the trunk;

Claim 5 has been amended as follows:

5. (Amended) The method of claim 1, (wherein) further including applying the magnet to the plurality of treating regions in the order of chest region and upper abdominal region, abdominal region, or in reverse order.

Claim 6 has been amended as follows:

6. (Amended) The method of claim 1, (wherein) further including applying the magnet first to one selected area of the treating regions of the trunk of the person and wherein applying the magnet then to the other selected area of the treating regions of the trunk of the person.

Claim 7 has been amended as follows:

7. (Amended) The method of claim 1, (wherein) further including applying (the) a magnet to the at least one of the plurality of treating regions of the trunk of a person.

Claim 8 has been amended as follows:

8. (Amended) The method of claim 1, (wherein) further including applying (the) a magnet to multiple regions of the trunk of a person concurrently.

Claim 9 has been amended as follows:

9. (Amended) The method of claim 1, (wherein) further including applying (the) a magnet to all treating regions of the trunk of a person concurrently.

Claim 10 has been amended as follows:

10. (Amended) The method of claim 1, (wherein) further including applying the magnets partially to at least one of the plurality of treating regions of the trunk of a person concurrently.

Claim 11 has been amended as follows:

11. (Amended) The method of claim 1, (wherein) further including applying (the) a magnet partially to multiple regions of the trunk of a person concurrently.

Claim 12 has been amended as follows:

12. (Amended) The method of claim 1, (wherein) further including applying (the) a magnet partially to all treating regions of the trunk of a person concurrently.

Claim 13 has been amended as follows:

13. (Amended) The method of claim (1) 32, (wherein) further including applying the magnets partially to at least one region of the treating regions of the trunk and all treating regions of the neck and head of the person concurrently.

Claim 14 has been amended as follows:

14. (Amended) The method of claim (1) 32, (wherein) further including applying the magnets partially to all treating regions of the trunk and all treating regions of the neck and head of the person concurrently.

Claim 15 has been amended as follows:

15. (Amended) The method of claim (1) 32, (wherein) further including applying the magnets to all treating regions of the trunk and all treating regions of the neck and head of the person concurrently.

Claim 18 has been amended as follows:

18. (Amended) The method of claim (1) 32, wherein the total flux of the magnet applied to each one of the plurality of treating regions of the trunk, neck and head of the person is substantially equal.

Claim 19 has been amended as follows:

19. (Amended) The method of claim (1) 32, wherein the total flux of the magnet applied to each area of the plurality of treating regions of the trunk, neck and head of the person is substantially equal.

Claim 20 has been amended as follows:

20. (Amended) The method of claim 1, further comprising applying the magnet to the treating region or regions concurrently by disposing the magnet in horizontal order all the way around the trunk in parallel to (the subregional division lines) a horizontal waist line of the trunk so that all the (trunk) meridians disposed in the trunk of the body are treated simultaneously and equally in balance for a balanced treatment.

Claim 21 has been amended as follows:

21. (Amended) The method of claim 1, further comprising applying magnets to the treating region or regions concurrently by disposing the magnets in horizontal order all the way around the trunk in parallel to (the subregional division lines) a horizontal waistline of the trunk so that all the (trunk) meridians disposed in the trunk of the body are treated simultaneously and equally in balance for a balanced treatment.

Claim 22 has been amended as follows:

22. (Amended) The method of claim 1, further comprising applying multiple magnets to the treating region or regions concurrently by disposing the magnets evenly, spaced apart (one another,) at an equal distance (,) (through out) throughout a region or regions so that all parts of the treating regions of the trunk of a person are treated equally with total magnetic flux for a balanced treatment.

Claim 28 has been amended as follows:

28. (Amended) The method of claim 1, (wherein) further including maintaining contact of the magnet for a time period sufficient for the person to (sense) feel (symptoms of healing responses) a pain mitigation and relief from ailing part of the body.

Claim 31 has been amended as follows:

31. (Amended) The method of claim 1, further including:
a band, wrapper or cover for contact the magnets to the treating regions of the trunk of a person are made with any material that is safe to the trunk and appropriate for fabrication.

Claim 32 has been added as follows:

32. (Added) The method of claim 1, further including;
utilizing the magnet means of the trunk together with the magnet means of the neck and head of the person of prior art concurrently.